

REMARKS

The Applicants thank the Examiner for the thorough examination of the application. No new matter is believed to be added to the application by this Amendment.

Entry of Amendment

Entry of this Amendment Under 37 C.F.R. 1.116 is respectfully requested because it cancels a claim to thereby place the application in better form for appeal. Alternately, entry is requested because this Amendment places the application in condition for allowance.

Status of the Claims

Upon entry of this Amendment, claims 1, 3-9 and 11-13 are pending in the application. This Amendment cancels claim 10 and incorporates its subject matter into claim 1. Claim 3 has been amended to improve its language without reducing its scope, and the amendments to claim 3 are not directed at overcoming a rejection.

Double Patenting Rejection Over Lyu '711

Claims 1 and 3-13 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 to 17 of Lyu '711 (U.S. Patent No. 6,623,711). Applicants respectfully traverse.

A Terminal Disclaimer of Lyu '711 is being filed concurrently with this paper, thus removing Lyu '711 as prior art to this application.

This rejection is overcome and withdrawal thereof is respectfully requested.

Rejections Over Jentsch, Michalczyk and Mechtel

Claims 1 and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by Jentsch (U.S. Patent No. 6,005,131). Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Michalczyk (U.S. Patent No. 5,378,790). Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being obvious over Michalczyk. Claims 1 and 4 are rejected under 35 U.S.C. 102(e) as being anticipated by Mechtel (U.S. Patent No. 6,413,446). Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being obvious over Mechtel. Applicants respectfully traverse all of the aforesaid rejections.

Claim 10 has been canceled and its subject matter has been incorporated into claim 1. Claim 10 was free of these rejections over Jentsch, Michalczyk and Mechtel. As a result, the incorporation of the subject matter of claim 10 into claim 1 renders claim 1 and its dependent claims instantly allowable over Jentsch, Michalczyk and Mechtel.

These rejections are overcome and withdrawal thereof is respectfully requested.

Information Disclosure Statement

The Examiner is thanked for considering the Information Disclosure Statement filed July 18, 2003 and for making the initialed PTO-1449 form of record in the application, in the Office Action mailed September 10, 2004.

Foreign Priority

The Examiner has acknowledged foreign priority and noted that the priority documents have been received in parent application no. 09/895,158 in the Office Action mailed September 10, 2004.

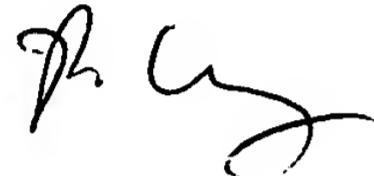
Conclusion

The Examiner's rejections have been overcome. No issues remain. The Examiner is respectfully requested to place the application into condition for allowance and to issue a Notice of Allowability.

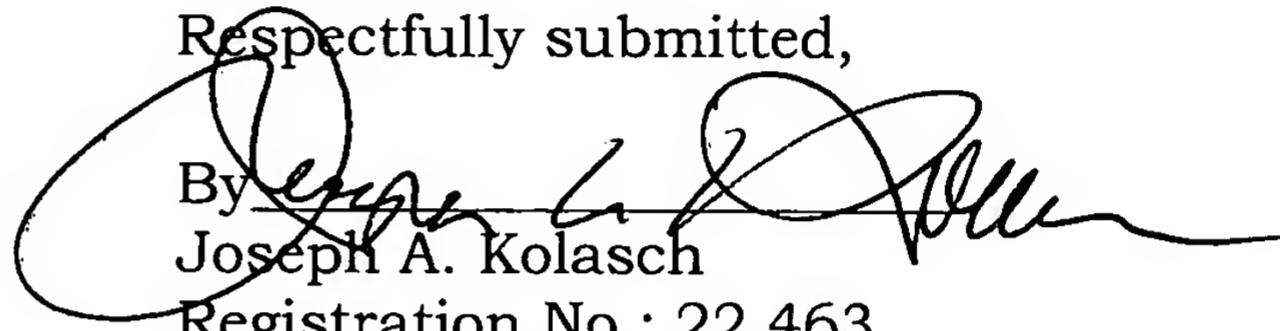
Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Robert E. Goozner, Ph.D. (Reg. No. 42,593) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Dated: August 2, 2005



Respectfully submitted,

By 
Joseph A. Kolasch

Registration No.: 22,463
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Rd
Suite 100 East
P.O. Box 747
Falls Church, Virginia 22040-0747
(703) 205-8000
Attorney for Applicant